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KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			CHIN, PAUL T	
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Please find below and/or attached an Office communication concerning this application or proceeding.

3652

Part of Paper No./Mail Date 20050218

DETAILED ACTION

1. Applicant's amendment filed December 3, 2004, and the arguments with respect to claims 5,6,14, and 15 have been considered and they are persuasive in light of the amended claims. Therefore, the rejections of the Soviet Union Patent (SU 537-926), the Canadian Patent (CA 197,808), and Shadle (3,614,151) have been withdrawn (note that applicant cancels claims 1-4, 7, 8, 11-13,16-20, 23,24, and adds new claims 25 and 26). However, claims 5,6,14, and 15 are moot in view of the new ground(s) of rejection. Claims 5,6,14,15,25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill (5,409,280) or Jaeger (2,610,890). Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 5,6,14,15,25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill (5,409,280).

Hill (5,409,280) discloses an apparatus for gripping and releasing one item, comprising a pickup head (12); at least one gripping plate (22), a restraining device (14) corresponding to each gripping plate (22), the restraining device being configured to connect the corresponding gripping plate to the pickup head so that the gripping plate is movable relative to the pickup head between *an open position and a closed position*, an end of the gripping plate (22) being displaced substantially inwardly by the restraining

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device (14) when the gripping plate moved from the open position to the closed position, the restraining device being further configured to permit the gripping plate to be movable relative to the pickup head in at least one degree of freedom when the gripping plate is being moved from the closed position to the open position, and an actuation device, a cylinder (54), configured to move the at least one gripping plate between the open position and the closed position, and further comprising at least one biasing element (36) (Fig. 1B) corresponding to each gripping plate (22), the at least one biasing element urging the corresponding gripping plate toward the opening position.

Re claims 6 and 15, Hill's gripping apparatus (5,409,280) shows that the at least one biasing device includes at least one spring element (36) (Col 4, lines 39-44).

Re claims 25 and 26, Hill's gripping apparatus (5,409,280) further shows two gripping plates (22,22) opposite each other in the closed position (see Fig. 1B).

4. Claims 5,6,14,15,25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by **Jaeger (2,610,890)**.

Jaeger (2,610,890) discloses an apparatus for gripping and releasing one item, comprising a pickup head (11) (Fig. 2); at least one gripping plate (32), a restraining device (20,22) corresponding to each gripping plate (24,32,33,34), the restraining device being configured to connect the corresponding gripping plate to the pickup head so that the gripping plate is movable relative to the pickup head between *an open position and a closed position*, an end of the gripping plate (32) being displaced substantially inwardly by the restraining device when the gripping plate moved from the open position to the closed position, the restraining device being further configured to permit the gripping plate to be movable relative to the pickup head in at least one degree of freedom when

the gripping plate is being moved from the closed position to the open position, and an actuation device (19,27,27,45-48,48) (Fig. 4) configured to move the at least one gripping plate between the open position and the closed position, and further comprising at least one biasing element (60) (Figs. 1 and 5) corresponding to each gripping plate (22), the at least one biasing element urging the corresponding gripping plate toward the opening position (Fig. 5).

Re claims 6 and 15, Jaeger's gripping apparatus (2,610,890) shows that the at least one biasing device includes at least one compression spring (60) (Fig. 5) (Col 5, lines 31-55) urging the gripping plate (24,32-34) to the open position.

Re claims 25 and 26, Jaeger's gripping apparatus (2,610,890) further shows two gripping plates (32,33,34; 32,33,34) opposite each other in the closed position (see Figures 1 and 5).

Allowable Subject Matter

5. Claims 9,10,21, and 22 are allowed.

Response to Arguments

6. Applicant canceled claims 1-4, 7, 8, 11-13,16-20, 23,24, and adds new claims 25 and 26. Applicant's amendment filed December 3, 2004, and the arguments with respect to claims 5,6,14, and 15 have been considered and they are persuasive in light of the amended claims. Therefore, the rejections of the Soviet Union Patent (SU 537-926), the Canadian Patent (CA 197,808), and Shadle (3,614,151) have been withdrawn. Applicant's arguments with respect to claims 5,6,14, and 15 (also new claims 25 and 26) have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. Applicant's amendment (the addition of new limitations on claims 5 and 14 in combination with other structural limitations including new claims 25 and 26) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PTC
February 18, 2005


EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600